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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/070,604	04/30/1998	EDWARD B. KNUDSON	UV-54	4617

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EXAMINER

VU, NGOC K

ART UNIT	PAPER NUMBER
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2611

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DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/070,604

Applicant(s)

KNUDSON ET AL.

Examiner

Ngoc K. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/18/2003 has been entered.

Response to Arguments

2. Applicant's arguments filed 9/18/2003 have been fully considered but they are not persuasive.

Applicant argues that claims 1 and 33 are directed to a different type of arrangement than that described in Alexander and are thus in condition for allowance. This argument is not persuasive based on the following reasons.

Examiner agrees with the application that the invention of Alexander is different from the invention of the instant application at some aspects. However, the teaching of Alexander still reads on the claims of the instant application.

Particularly, with respect to claims 1 and 33, Alexander shows that an advertisement banner, e.g., 52, is adjacent to the program listings region 22 (see figure 1). Even the advertisement banner 52 appears as a row in the grid guide, the advertisement banner 52 remains on the screen at all times as an up or down key is pressed while the program listings are scrolling (see col. 22, lines 20-29 and 42-47). Thus, the advertisement banner 52 is adjacent and external to the program listings region 22.

By pressing arrow keys 28 to 34 in a remote control, a cursor 36 can select, i.e., highlight, any of windows 12, 14 or 16. From the highlighted window 12, 14 or 16 the viewer moves to grid guide 22 by pressing arrow key 32 (see col. 3, lines 28-34 and figures 1-2). The viewer then moves to advertisement banner 52 by pressing the up or down key in the remote control. As interpreted above, the normal program listing scrolls off the screen as the up and down arrow keys are pressed. The advertisement banner 52 remains on the screen at all times as the up and down keys are pressed, so the advertisement 52 remains in view at all times. Thus, this feature allows the viewer to position a highlight on the advertisement banner, e.g., 52, and activate a cursor while the highlight is on the advertisement banner.

Alexander also discloses that all Guide screens are made up of "hard pages". A hard page is defined as an area comprising 9 channel slots. Each time the viewer scrolls below the 9 * x channel slot, a new "hard page" appears. Scrolling back up will bring the previous hard page back into view (see col. 15, lines 54-55; col. 20, lines 54-58). Thus, this feature describes scrolling the program listings region to a new page of program listings in response to the user activating the cursor.

With respect to claims 27 and 59, Alexander discloses presenting a selectable banner advertisement, i.e., a highlighted advertisement 14 or 16 (see figure 1). Highlighting the advertisement will cause the additional text describing the product or service is displayed in a detail box, e.g., 24, of the EPG Grid Guide (see col. 13, lines 64-67). It is further noted that the detail box 24 covers only a portion of the program listings region 22 so that at least one of program listing in the program listings region 22 remains uncovered or remains in view (see figure 1).

Therefore, the limitations in claims 1, 27, 33 and 59 are met by teaching of Alexander as addressed above. Furthermore, the limitations in the claims 2-26, 28-32, 34-58 and 60-64 are

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addressed in the previous Office Action. For the above reasons, it is believed that the rejections of claims 1-64 should be sustained.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1-64 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 33 recite the limitation "the program listings" in line 8. There is insufficient antecedent basis for this limitation in the claims. For purpose of examination, this limitation reads as "the program listings region". Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-5, 8-13, 15, 16, 18-20, 22, 23, 25, 27-32, 33-37, 40-45, 47, 48, 50-52, 54, 55, 57 and 59-64 are rejected under 35 U.S.C. 102(e) as being anticipated by Alexander et al (US 6,177,931 B1).

Regarding claim 1, Alexander discloses a system in which an interactive television program guide is implemented on user television equipment comprising:

means for presenting a program guide screen (10) containing a program listings region (22) with the interactive television program guide (see figure 1);

means for presenting at least one banner advertisement (e.g., 52 – see figure 1) adjacent and external to the program listings (even the advertisement banner 52 appears as a row in the grid guide, the advertisement banner 52 remains on the screen at all times as an up or down key is pressed while the program listings are scrolling - see col. 22, lines 20-29 and 42-47. Thus, the advertisement banner 52 is adjacent and external to the program listings region 22);

means for allowing a user to position a highlight on the banner advertisement and activate a cursor while the highlight is on the banner advertisement (as interpreted above, Alexander does disclose the feature of scrolling up or down through the program listings region 22. Alexander discloses that a virtual channel ad slot 52 appears as a row in the grid guides and remains on the screen at all times as the up and down arrow keys are pressed, so the ad remains in view at all times. In addition, figures 1, 3-5 show the virtual channel ad slot is highlighted. Thus, the virtual channel ad slot 52 is highlighted and remains in view at all times as the up and down keys are presses for scrolling the program listings - see figures 1-2; col. 4, lines 49-56; see col. 15, lines 56-57; col. 22, lines 20-29, 42-47); and

means for scrolling the program listings region to a new page of program listings in response to the user activating the cursor (all Guide screens are made up of "hard pages". A hard page is defined as an area comprising 9 channel slots. Each time the viewer scrolls below the 9 * x channel slot, a new "hard page" appears. Scrolling back up will bring the previous hard page back into view - see col. 15, lines 54-55; col. 20, lines 54-58. Thus, this feature describes scrolling the program listings region to a new page of program listings in response to the user activating the cursor).

Regarding claims **2-4**, Alexander discloses presenting a banner advertisement that contains text, graphics and video (see col. 13, 48-50).

Regarding claim **5**, Alexander discloses that display 10 is generated by a television receiver (see col. 3, lines 1-7; col. 5, line 42).

Regarding claim **8**, Alexander discloses presenting a selectable banner advertisement adjacent to the program listings (presenting highlighted ad window) (see col. 13, lines 64-67).

Regarding claim **9**, Alexander discloses presenting an embedded advertisement (channel ad) in the program listings region (see col. 22, lines 20-25).

Regarding claims **10-11**, Alexander discloses presenting a selectable embedded advertisement in the program listings region (presenting highlighted channel ad). Further regarding claim 11, Alexander discloses that the channel ad is inserted between channels in the grid (see col. 22, lines 42-47).

Regarding claim **12**, Alexander shows presenting a selectable logo on the program guide screen (for example, channel ad graphics may include channel logo) (see col. 24, lines 50-54).

Regarding claim **13**, Alexander discloses presenting an advertisement containing advertisement options on the program guide screen (for instance, presenting icons for specialized guide information or connecting to Internet) (see col. 18, lines 19-37).

Regarding claim **15**, Alexander discloses presenting a selectable banner advertisement (presenting highlighted panel ad), and tuning to a given channel when the user selects the banner advertisement (if a panel ad is highlighted, has show information associated with it, and the advertised show is currently on, the user may tune directly to the related program by pressing button on the remote) (see col. 21, lines 39-44).

Regarding claim **16**, Alexander discloses providing the user to record a program when the user selects the banner advertisement (see col. 21, 55-67).

Regarding claim **18**, Alexander discloses providing the user with an opportunity to display program listings when the user selects the banner advertisement (displaying channels in the grid while user highlights the ad by pressing arrow keys) (see col. 4, lines 49-56).

Regarding claim **19**, Alexander discloses displaying additional information when the user selects the banner advertisement (for instance, when viewer highlights the ad window, the additional information is displayed in the detail box) (see col. 13, lines 64-67).

Regarding claim **20**, Alexander discloses processing an inquiry for additional information when the user selects the banner advertisement (presenting icon on the ad indicates there is more information available for that ad) (see col. 26, line 14-18).

Regarding claim **22**, Alexander discloses that each time a user scrolls below the 9*x channel slots, a new "hard page" appears, wherein a hard page is defined as an area comprising 9 channel slots, all Guide screens are made up of "hard pages" and each hard page may have different Panel ads associated with it (see col. 20, lines 54-65; col. 26, lines 42-44).

Regarding claim **23**, Alexander discloses that a tile for a normal program listing scrolls off the screen the up and down arrow keys are pressed. In contrast, a channel ad 52 in the grid guide 22 remains on the screen at all times as the up and down arrow keys are pressed, so the ad remains in view at all times (see col. 22, lines 42-47).

Regarding claim **25**, Alexander discloses Alexander shows presenting a selectable logo on the program guide screen (for example, channel ad graphics may include channel logo) (see col. 24, lines 50-54); and navigating the highlight from the program listings region to the selectable logo (move cursor for highlighting between the channel grids and the channel ad with channel logo) (see col. 22, lines 34-47).

Regarding claim **27**, Alexander discloses presenting a selectable banner advertisement, i.e., a highlighted advertisement 14 or 16 (see figure 1). Highlighting the advertisement will cause the additional text describing the product or service is displayed in a detail box, e.g., 24, of the EPG Grid Guide (see col. 13, lines 64-67). It is further noted that the detail box 24 covers only a portion of the program listings region 22 so that at least one of program listing in the program listings region 22 remains uncovered or remains in view (see figure 1).

Regarding claims **28 -29**, Alexander discloses that the panel ad area, 12 and 16, may change over time, e.g. very x seconds rotating through a plurality of different graphical or textual ad executions in the panel ad space (see col. 22, lines 4-6).

Regarding claims **30-32**, Alexander discloses displaying automatically an embedded advertisement, a selectable embedded advertisement, or a selectable embedded program advertisement in the program listings region immediately adjacent to an associated one of the program listings in the program listings region (displaying a virtual channel ad slot for a ad for an television program in the grid guide 22) (see col. 22, lines 20-49).

Regarding claims **33-37, 40-45, 47, 48, 50-52, 54, 55, 57** and **60-64**, a method for using an interactive television program guide in claims 33-37, 40-45, 47, 48, 50-52, 54, 55, 57 and 59-64 corresponds to a system of interactive television program in claims 1-5, 8-13, 15, 16, 18-20, 22, 23, 25 and 27-32, respectively. Therefore, claims 33-37, 40-45, 47, 48, 50-52, 54, 55, 57 and 60-64 are rejected by the same reasons as applied to claims 1-5, 8-13, 15, 16, 18-20, 22, 23, 25 and 28-32. See the interpretation of claims 1-5, 8-13, 15, 16, 18-20, 22, 23, 25 and 28-32 above.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 24, 26, 56 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al (US 6,177,931 B1).

Regarding claim **24**, Alexander discloses displaying an embedded advertisement in the program listings region (see col. 22, lines 20-37). Alexander further discloses highlight a viewer selection is to add animation to the selected component or a portion of the EPG (see col. 3, lines 50-54) but does not specifically disclose using animation for introducing the embedded advertisement into the program listings region. Official Notice is taken that using animation for generating graphics is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify Alexander by using animation for generating advertising in the form of graphics in order to present the advertisement in a more visually appealing manner.

Regarding claim **26**, Alexander does not disclose displaying two embedded advertisement in the program listings region. Official Notice is taken that displaying more than one advertisement to provide more option viewing the advertising information is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify Alexander by displaying two advertisements in order to provide users more option viewing the advertising information.

Regarding claims **56** and **58**, a method for using an interactive television program guide in claims 56 and 58 corresponds to a system of interactive television program in claims 24 and 26, respectively. Therefore, claims 56 and 58 are rejected by the same reasons as applied to

claims 24 and 26. See the above interpretation of claims 24 and 26 for claims 56 and 58, respectively.

9. Claims 6, 7, 14, 17, 21, 38, 39, 46, 49 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander at al in view of Knee at al (US 5,589,892 A).

Regarding claims 6-7, Alexander discloses the system providing television program, program guide and advertising information (see col. 1, lines 37-40). Alexander does not specifically disclose the system comprising distribution facility, video server and network nodes. However, Knee discloses that a television distribution system including a central data management system 602 for distributing television programming; video servers 604 for providing data streams including television program and EPG data to the user television equipment 605; a plurality of network nodes for use providing the television programming to the user television equipment (see figure 58; col. 46, lines 7-24). Therefore, it would have been obvious to one of ordinary skill in the art to modify Alexander including a television distributing system for distributing program schedule and television program to multiple users as taught by Knee in order to widely distribute the broadcast program to users.

Regarding claim 14, Alexander does not disclose enabling a viewer to set a reminder when the user selects the banner advertisement. However, Knee discloses at a pre-determined time before the selected program start time, the micro-controller 16 will retrieve schedule information and will instruct the VDG 23 to display a reminder overlay message 140 on the television receiver 27, as shown in figure 14, to remind the user that he or she previously set a reminder to watch the selected program (see col. 16-17, 57-5). Therefore, it would have been obvious to one of ordinary skill in the art to modify Alexander by enabling a viewer to set a reminder as taught by Knee in order to remind the viewer the selected program is about to start.

Regarding claim **17**, Alexander discloses that an ad for a future telecast program is displayed in window 14 (see col. 4, lines 28-30). Alexander does not disclose providing the user with an opportunity to purchase a program. However, Knee shows an impulse ordering menu that appears on a television screen in figure 9, for instance, menu for ordering HBO channel. Therefore, it would have been obvious to one of ordinary skill in the art to modify Alexander by displaying a menu for providing the user with an opportunity to order a program as taught by Knee in order to allow user easily and quickly order a desired program.

Regarding claim **21**, Alexander discloses providing an ad for a product displayed in window 16 (see col. 35-43), but Alexander does not disclose enabling a viewer to order a product. However, Knee discloses receiving the request from the users to order the product or service associated with a program listing (see col. 41, lines 17-33). Therefore, it would have been obvious to one of ordinary skill in the art to modify Alexander by receiving the request from the users to order the product or service associated with a program listing as taught by Knee in order to allow the viewers remotely ordering the product or service while watching TV programming.

Regarding claims **38, 39, 46, 49** and **53**, a method for using an interactive television program guide in claims 38, 39, 46, 49 and 53 corresponds to a system of interactive television program in claims 6, 7, 14, 17 and 21, respectively. Therefore, claims 38, 39, 46, 49 and 53 are rejected by the same reasons as applied to claims 6, 7, 14, 17 and 21. See the above interpretation of claims 6, 7, 14, 17 and 21 for claims 38, 39, 46, 49 and 53, respectively.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Ngoc K. Vu', with a stylized, flowing script.

Ngoc K. Vu
Examiner
Art Unit 2611

June 14, 2004